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Attorneys for Chapter 7 Trustee
ANDREA A. WIRUM

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

ROBERT L. MERJANO and THERESA M.
MERJANO,

Debtors.

Case No. 16-31097 HLB

Chapter 7

**STIPULATION RE DEBTORS'
EXEMPTIONS**

Robert L. Merjano and Theresa M. Merjano (together, "Debtors"), debtors in the captioned bankruptcy case, and Andrea A. Wirum ("Trustee"), chapter 7 trustee of the Debtors' bankruptcy estate ("Estate"), stipulate as follows, subject to Bankruptcy Court approval:

RECITALS

A. On October 11, 2016, the Debtors filed a voluntary petition under chapter 7 of the Bankruptcy Code, commencing the captioned case.

B. On October 11, 2016, the Debtors filed their bankruptcy schedules as part of Docket No. 1 ("Initial Schedules"), scheduling a 2013 Mini Cooper vehicle ("Mini") with a value of \$14,995.00 and a "rock and roll poster collection" ("Posters") with a value of \$1,000.00.

1 C. No lien on the Mini or Posters was scheduled in Schedule D of the Initial
2 Schedules.

3 D. In Schedule C of the Initial Schedules, the Debtors claimed a \$1,000.00
4 exemption in the Posters, but did not claim an exemption in the Mini.

5 E. On January 23, 2017, the Debtors filed an amended Schedule A/B [Docket No.
6 31], in which they increased the scheduled value of the posters to \$3,750.00.

7 F. On January 23, 2017, the Debtors filed an amended Schedule C [Docket No. 32],
8 in which they increased the claimed exemption in the posters to \$3,750.00, but did not claim an
9 exemption in the Mini.
10

11 G. The Debtors previously represented to the Trustee that the there was a lien against
12 the Mini, but the lien did not appear in the Debtors' Schedule D due to a software glitch.

13 H. When the Debtors provided evidence of the asserted lien on the Mini, it was
14 confirmed that the asserted lien, to the extent it existed, was unperfected.
15

16 I. On March 14, 2017, the Debtors filed an amended Schedule A/B [Docket No. 33],
17 Scheduling the Mini with a reduced value of \$10,000.00 and the Posters with a value of
18 \$3,750.00.

19 J. On March 14, 2017, the Debtors also filed a second amended Schedule C [Docket
20 No. 34], claiming a \$10,000.00 exemption in the Mini and a \$3,750.00 exemption in the Posters.

21 K. On March 16, 2017, the Debtors filed a third amended Schedule C [Docket No.
22 35], claiming a \$3,750.00 exemption in the Posters, but eliminating the exemption in the Mini.

23 L. On May 22, 2017, the Debtors filed a fourth amended Schedule C [Docket No.
24 42], increasing the claimed exemption in the Posters to \$7,525.00.
25

26 M. The Debtors have indicated to the Trustee that they do not wish to purchase the
27 Estate's interest in the Mini.
28

1 N. The Trustee has obtained authority from the Bankruptcy Court to employ a sales
2 agent, auctioneer and personal property evaluator to assist with, *inter alia*, liquidating the Mini
3 and/or valuing and liquidating the Posters.

4 O. Before the Trustee goes to the expense of picking up the Mini and selling it
5 subject to Bankruptcy Court approval, or appraising the Posters, she desires to have the Debtors
6 stipulate that they will not further amend their schedules to claim an exemption in the Mini or
7 increase the exemption in the Posters.
8

9 P. In recognition of the expense the Estate will suffer if the Debtors amend their
10 Schedule C to re-claim an exemption in the Mini or increase the claimed exemption in the
11 Posters, the Debtors have committed not to further amend their schedules to either re-claim an
12 exemption in the Mini or increase the claimed \$7,525.00 exemption in the Posters.
13

14 **STIPULATION**

15 **NOW, THEREFORE**, based upon the above Recitals, which are incorporated in their
16 entirety, the Debtors and Trustee stipulate as follows, subject to Bankruptcy Court approval:

17 1. The Debtors shall not further amend their bankruptcy schedules to declare an
18 exemption in the Mini, and waive any right to do so under the Bankruptcy Code and any other
19 applicable law.

20 2. The Debtors shall not further amend their schedules to claim an exemption in the
21 Posters greater than \$7,525.00, and waive any right to do so under the Bankruptcy Code and any
22 other applicable law.
23

24 3. The Debtors shall not further amend their schedules to claim an exemption in any
25 other property greater than what is set forth in the most recent amended Schedule C [Docket No.
26 42].
27
28

1 4. The Trustee reserves any and all rights to object to any of the Debtors'
2 exemptions on any basis whatsoever.
3

4 **SO AGREED:**
5

6
7 Dated: May 22, 2017

LAW OFFICES OF ADAM C. KENT

By: 

ADAM C. KENT

Attorneys for Debtors Robert L. Merjano and
Theresa M. Merjano

DUANE MORRIS LLP

10
11 Dated: May 24, 2017

By: 

GEOFFREY A. HEATON

Attorneys for ANDREA A. WIRUM,
Chapter 7 Trustee of the Bankruptcy Estate of
Robert L. Merjano and Theresa M. Merjano